

AMENDED IN SENATE JULY 1, 2009
AMENDED IN SENATE JUNE 23, 2009
AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 494

Introduced by Assembly Member Caballero

February 24, 2009

An act to ~~amend Section 51230.2 of, and to add Section 65852.12 to,~~ add Sections 65850.7 and 66412.9 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 494, as amended, Caballero. Local planning: agricultural laborer housing.

The Planning and Zoning Law provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by a city, county, or city and county.

This bill would prohibit a county from denying an application for a use permit for the development of agricultural labor housing if the application describes housing that will be developed on leased property and that meets specified conditions, unless the county makes written findings based upon substantial evidence in the record that the proposed development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings would be required to include the basis for the rejection of potentially feasible methods to mitigate or avoid the specific, adverse impact.

This bill would provide that the Planning and Zoning Law is not applicable to leases of agricultural land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if specified conditions apply. By increasing the duties of county officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by that contract and the act. The act authorizes a landowner to subdivide land subject to a Williamson Act contract for the purpose of providing farmworker housing if specified criteria regarding the parcel and the transaction are met, including the criterion that the parcel be within a city or an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses.~~

~~This bill would modify that criterion so that the parcel would be required to be within a city or in an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses, or has access to an existing source of potable drinking water and sanitary sewer service.~~

~~(2) The Planning and Zoning Law provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by a city, county, or city and county.~~

~~This bill would determine the erection, construction, alteration, or maintenance of agricultural laborer housing to be an allowable use within any agricultural zone, unless a legislative body makes a specified finding. The bill would prohibit a city, county, or city and county, when an applicant proposes to subdivide land for the purposes of developing agricultural laborer housing, as specified, from enforcing or imposing any local ordinance, regulation, or development standard that requires a minimum parcel size. The bill would establish specified requirements for a parcel proposed to be developed as agricultural laborer housing~~

~~pursuant the above provisions, and would require the development of agricultural laborer housing on a parcel pursuant to these provisions to be considered an agricultural use of the land. The bill would provide that these provisions do not apply if at the time of application greater than 100 acres of land within the jurisdiction have been developed with agricultural laborer housing pursuant to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.7 is added to the Government Code,
2 to read:
3 65850.7. A county shall not deny an application for a use
4 permit for the development of agricultural labor housing if the
5 application described housing that will be developed on leased
6 property and that meets the conditions prescribes in Section
7 66412.9, unless the county makes written findings based upon
8 substantial evidence in the record that the proposed development
9 would have a specific, adverse impact upon the public health or
10 safety, and there is no feasible method to satisfactorily mitigate
11 or avoid the specific, adverse impact. The findings shall include
12 the basis for the rejection of potentially feasible methods to mitigate
13 or avoid the specific, adverse impact.
14 SEC. 2. Section 66412.9 is added to the Government Code, to
15 read:
16 66412.9. This division shall not apply to leases of agricultural
17 land to nonprofit organizations for the purpose of operating an
18 agricultural labor housing project on the property if all of the
19 following conditions apply:
20 (1) The property to be leased shall not be more than five acres.
21 (2) The lease shall be for not less than 30 years.
22 (3) The lease shall be executed prior to January 1, 2020.
23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.

1
2
3
4
5

**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate June 23, 2009. (JR11)**

O